

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

Civil Action No. 04-CV-11610-RGS

UNISYS CORPORATION,

Defendant

**SUPPLEMENTAL RESPONSE OF DEFENDANT UNISYS  
CORPORATION TO FIRST INTERROGATORIES BY PLAINTIFF**

Pursuant to the parties' agreement concerning certain issues raised in discovery, and in an effort to resolve or narrow the issues between the parties, the defendant, Unisys Corporation, provides the following supplemental responses to the first set of interrogatories by the plaintiff. The responses are hereby designated as CONFIDENTIAL under the terms of the Confidentiality Agreement and Protective Order in this case. Certain specific responses may be designated as ATTORNEYS' EYES ONLY under that Agreement, as detailed below.

**General Objections and Responses**

- i. Unisys objects generally to these interrogatories to the extent they seek information protected by the attorney-client privilege, the work-product immunity doctrine, or other such privilege or immunity. Unisys does not agree to provide information protected thereby.
- ii. Unisys objects generally to these interrogatories to the extent they seek confidential business information of Unisys, including information protected by the trade-secrets privilege or other such privilege or immunity. Unisys does not agree to provide information protected thereby except pursuant to the Protective Order entered by the Court in this case.
- iii. Unisys objects generally to these interrogatories to the extent they seek information concerning marketing or sales by Unisys of any product or service, or any other

Unisys business activity, outside the United States. Such activities are irrelevant to any material and disputed issue in this case, and to this extent the interrogatories are overbroad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

iv. Unisys objects generally to these interrogatories to the extent they seek broad categories of information concerning Unisys business activities (including revenues or profits derived from such activities) in which the 3D VISIBLE ENTERPRISE trademark may have been used or referenced in some way. Such interrogatories are overbroad and unduly burdensome, seek information that is irrelevant to any material and disputed issue in this case, and are not reasonably calculated to lead to the discovery of admissible evidence.

v. Unisys objects generally to these interrogatories to the extent they seek broad categories of information concerning clients or potential clients of Unisys, without any showing that any such client was also an actual or potential customer of Visible Systems. Such interrogatories are overbroad and unduly burdensome, seek information that is irrelevant to any material and disputed issue in this case, and are not reasonably calculated to lead to the discovery of admissible evidence.

vi. To the extent the answer to any interrogatory herein may be derived or ascertained from documents available via the Unisys public Internet website ([www.Unisys.com](http://www.Unisys.com)), which contains extensive, easily searchable information about the services offered under the 3D VISIBLE ENTERPRISE mark, Unisys incorporates herein and relies upon such information, pursuant to Fed. R. Civ. P. 33(d).

Unisys incorporates these General Objections and Responses by reference into each of its Specific Objections and Responses set forth below.

### **Specific Objections and Responses**

1. Please identify each person (*see* Local Rule 26.5(C)(3)) (including officers and employees of Unisys and outside market research firms, advertising agencies, consultants, and attorneys) who participated in, or was consulted concerning, the adoption of, any decision to use, or any marketing, promotion, or other use of the mark 3D VISIBLE ENTERPRISE, or any investigation of marks or owners of marks similar to 3D VISIBLE ENTERPRISE or the term “Visible,” including in your answer a detailed description of the role played by each such person, and a statement of the knowledge *vel non* that each such person had of Visible Systems Corporation, Visible Analyst, Visible Analyst Workbench, The Visible Analyst, Visible Advantage, Visible Developer, or Visible Razor as of the time of such participation or consultation by them.

Answer Unisys objects to this interrogatory on the grounds that it is overbroad and unduly burdensome, seeks information that is irrelevant to any material and disputed issue in this case, and is not reasonably calculated to lead to the discovery of admissible evidence. Please also refer to General Objection (iv). Unisys further objects to this interrogatory to the extent it seeks information protected by the attorney-client or work-product privilege. Subject to and